

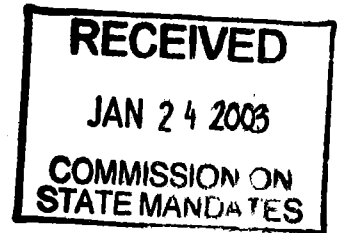
**RESPONSE TO DEPARTMENT OF FINANCE
SUBMITTED BY TEST CLAIMANT, COUNTY OF ALAMEDA**

DOMESTIC VIOLENCE BACKGROUND CHECKS

Chapter 572, Statutes of 2001

Chapter 713, Statutes of 2001

CSM 01-TC-29



The County of Alameda hereby responds to the Department of Finance's submittal of August 29, 2002.

The County of Alameda agrees with the Department of Finance that the following duties constitute a reimbursable state mandate when performed by the District Attorney or the prosecuting city attorney:

- Performing an investigation of the history of a defendant charged with domestic violence
- Searching all relevant databases for a history of domestic violence, restraining orders, or other protective orders against the defendant
- Searching the following specified databases:
 - Violent Crime Information Network
 - Supervised Release File
 - State summary criminal history information maintained by the Department of Justice
 - Federal Bureau of Investigation's nationwide data base
 - Locally maintained criminal history or data bases
- Present information obtained as a result of this investigation to a court at any hearing when bond is set, a defendant is released on his or her own recognizance at a preliminary hearing, or upon the consideration of any plea agreement

However, the analysis of the Department of Finance does not go far enough. At present, the courts do not have access to the foregoing data bases: they are only accessible to certain law enforcement agencies. As a result, the courts have been examining how to access this information in order to comply with the new mandate.

The County of Alameda is concerned that the courts may consider utilizing a court order to require that the prosecuting attorney or District Attorney perform these background checks for them. As trial courts are presently considered part of the state as a result of Trial Court Funding, we respectfully request that the Commission on State Mandates recognize that one of the 58 counties may so do, such that the eventuality is covered both in the Statement of Decision and Parameters and Guidelines.

CERTIFICATION


I, Thomas Orloff, make the following declaration under oath:

I am the duly elected District Attorney for the County of Alameda, and as part of my duties, I am responsible for maximizing revenue for the office. As part of my duties, I am responsible for directing the complete and timely recovery of costs mandated by the state.

I am personally conversant with the following facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 21st day of January, 2003 at Oakland, California.

A handwritten signature in dark ink, appearing to read 'T. Orloff', is written over a horizontal line.

Thomas Orloff
District Attorney
County of Alameda

PROOF OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento, and I am over the age of 18 years and not a party to the within action. My place of employment is 4320 Auburn Blvd., Suite 2000, Sacramento, CA 95841.

On January 24, 2003 I served the RESPONSE TO DEPARTMENT OF FINANCE SUBMITTED BY TEST CLAIMANT, COUNTY OF ALAMEDA, *DOMESTIC VIOLENCE BACKGROUND CHECKS*, Chapter 572, Statutes of 2001, Chapter 713, Statutes of 2001, CSM 01-TC-29, by placing a true copy thereof in an envelope addressed to each of the persons listed on the mailing list attached hereto, and by sealing and depositing said envelope in the United State mail at Sacramento, California, with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed this 24th day of January, 2003 at Sacramento, California.


Declarant

Legislative Analyst's Office
Attention: Marianne O'Malley
925 L Street, Suite 1000
Sacramento, CA 95814

Cost Recovery Systems
Attention: Annette Chinn
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Folsom, CA 95630

Mandated Cost Systems, Inc.
Attention: Steve Smith
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Rancho Cordova, CA 95670

Centration, Inc.
Attention: Andy Nichols
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State Controller's Office
Division of Accounting & Reporting
Attention: Michael Havey
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Mandate Resource Service
Attention: Harmeet Barkshat
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Attention: Leonard Kaye
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California State Association of Counties
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County of Alameda
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